

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STAFFORD DYER, III,

Plaintiff,

Case No. 16-CV-13660

vs.

HON. GEORGE CARAM STEEH

LJ ROSS ASSOCIATES, INC.,

Defendants.

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ORDER ACCEPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION [DOC. 12]

This matter is before the court on Magistrate Judge Patti's Report and Recommendation to Dismiss for Failure to Prosecute and Award Costs and Attorney Fees to Defendant. On March 23, 2017, Magistrate Judge Patti granted defendant's unopposed motion to compel, ordering that plaintiff provide responses to defendant's written discovery, appear for his deposition, and appear for a show-cause hearing. Plaintiff did not comply with any of these requirements, though he admitted to defendant's counsel that he received a copy of the court's order. Ultimately, the Magistrate Judge found that plaintiff has not participated in any discovery in this matter since its inception on October 14, 2016. Despite being warned that failure

to appear for his deposition and provide responses to written discovery could result in a dismissal for failure to prosecute, plaintiff failed to do so. Despite acknowledging receipt of the court's order to show cause, plaintiff did not appear at the show cause hearing.

Magistrate Judge Patti recommends that the court dismiss plaintiff's action without prejudice under Rule 41(b) and E.D. Mich. LR 41.2. He further recommends that plaintiff pay defendant's reasonable costs and attorney fees in the amount of \$2,116.00, pursuant to Rule 37. Finally, Magistrate Judge Patti recommends that plaintiff be prohibited from re-filing his claims against defendant unless and until the fees and costs have been paid in full.

The matter is presently before the court on Magistrate Judge Patti's report and recommendation, to which plaintiff has not filed objections within the established time period. The court has reviewed the file, record, and Magistrate Judge's report and recommendation.

The court agrees with the analysis conducted by the Magistrate Judge, and therefore accepts his recommendation in its entirety.

IT IS HEREBY ORDERED that plaintiff's action is DISMISSED without prejudice for failure to prosecute.

IT IS HEREBY FURTHER ORDERED that plaintiff pay costs and attorney fees to defendant in the amount of \$2,116.00.

Dated: May 23, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 23, 2017, by electronic and/or ordinary mail and also on Stafford Dyer, III, 14735 Dexter Ave, Apt 6, Detroit, MI 48238.

s/Barbara Radke
Deputy Clerk